REMARKS

This Amendment is in response to the outstanding Official Action dated November 13, 2000, the shortened statutory period for filing a response having expired on February 13, 2001. In this regard, Applicant submits herewith a two month Extension Petition to reset the deadline for response to the Official Action to and including April 13, 2001. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner in paragraph 2 of the Official Action has objected to claim 32 as failing to comply with 37 C.F.R. §1.75(e)(2) stating that the preamble lacks a proper transitional phrase. Applicant has amended claim 32 to provide a transitional phrase which overcomes the Examiner's objection. Applicant has adopted a preamble along the lines suggested by the Examiner. As such, the Examiner's objection is considered traversed and should therefore be withdrawn.

The Examiner has also stated in paragraph 2 of the Official Action that Applicant should refer back to pending claims 1, 9 and 21 for proper claim structure and language usage. It is unclear to Applicant, what, if any objection the Examiner is raising with respect to claim 32. In this regard, claim 32 is directed to a computer readable recording medium having a program stored thereon. It is Applicant's position that claim 32 is in full compliance with the provisions of 35 U.S.C. §112, second

paragraph. To the extent that the Examiner may disagree, Applicant requests that the Examiner specifically identify any objection the Examiner should have with respect to the language of claim 32.

The Examiner in paragraph 4 of the Official Action has rejected claims 1-42 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that in claim 9, lines 4-5, the phrase "...stopped in a moveable state..." is vague and indefinite. The Examiner states that this phrase is also repeated in independent claims 21 and 32. In view of the foregoing comments, the Examiner's rejection is considered traversed and should therefore be withdrawn.

It is pointed out to the Examiner that claims 1-8 do not include the objected to phrase. Hence, the Examiner's rejection of these claims under 35 U.S.C. §112, second paragraph, is improper and should be withdrawn. As to the remaining claims, the phrase "stopped in a moveable state" is considered by Applicant to be in full compliance with the provisions of 35 U.S.C. §112, second paragraph. It is pointed out to the Examiner that the claim language is to be interpreted in consideration of the written description. *Robotic Vision Systems, Inc. v. View Engineering, Inc.*, 51 USPQ2d 1948 (Fed. Cir. 1999). It is also a fundamental principle that Applicant is free to be his own

lexographer and may thus use terms and phrases in a manner which is consistent or inconsistent with one or more of the ordinary meanings. *Hormone Research Foundation, Inc. v. Genentech, Inc.*, 15 USPQ2d 1039 (Fed. Cir. 1990).

The objected to phrase means that the Subjective Mode Process is present when the character is stationary, i.e., stopped, but being capable of being moved by the player. For example, if a character is stopped in the Birdseye View Mode Process, the viewing mode will shift to the Subjective Mode Process. Once the character resumes motion, the mode will shift back to the Birdseye View Mode Process. This description is present in Applicant's application on, for example, page 24, lines 8 *et seq*. Applicant also submits herewith a proposed drawing correction with respect to Fig. 11 which has been marked in red. These corrections are consistent with the foregoing description of Fig. 11 as noted in the specification. It is therefore Applicant's position that Applicant's claims, notwithstanding the inclusion of the phrase "stopped in moveable state" is in full compliance with the provisions of 35 U.S.C. §112, second paragraph. Accordingly, notice to that effect is respectfully requested.

Turning to the prior art rejection, the Examiner has rejected claims 1, 9, 19, 20, 32 and 39 under 35 U.S.C. §102(e) as being anticipated by Goden, et al., U.S. Patent No. 5,830,066; claims 2, 11 and 36 under 35 U.S.C. §103(a) as being unpatentable

over Goden, et al.; claims 3-5, 12, 13, 15, 35, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Rieder, U.S. Patent No. 5,769,718; claim 14 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Rieder in further view of Mukojima, et al., U.S. Patent No. 5,768,393; claims 6, 7, 16, 17, 34 and 40 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Logg, U.S. Patent No. 5,616,031; claim 41 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Logg in further view of Mukojima, et al.; claims 8, 18 and 42 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of "Corpse Killer" (Video Game by 3DO); claims 10, 21, 22, 30, 31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al.; claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al. in further view of Raider; claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al. in further view of Logg; and claim 29 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al. in further view of "Corpse Killer" (Video Game by 3DO). In view of the within remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

Turning to independent claim 1, there is included the limitation of selectively producing one of a first scene image

and a second scene image based on the detected display position and motion of the character. The first scene image is subjectively viewed by the character and the second scene image is objectively viewing the motion of the character. This feature of Applicant's claim is not disclosed in Godon, et al.

The Examiner in the Official Action makes reference to Figs. 5(a)-5(f) of Gordon, et al. which show various scene images from a character's perspective, Birdseye View, a radar image, etc. However, the sequence of illustrations in Figs. 5(a)-5(f) are a panning sequence and are not individual scenes which are selectively produced based on the detected display position and motion of the character.

More specifically, with reference to col. 11, line 48 to col. 14, line 49, Goden, et al. teaches that the camera viewpoint coordinates 1 to 6 as shown in Fig. 4 are prestored in ROM 102 and read out in turn for corresponding image processing of display data. This viewpoint movement control is automatically executed when it is determined that game processing is finished and one stage has been completed, see col. 12, lines 36-39. Accordingly, Goden, et al. actually teaches away from Applicant's claimed invention. In this regard, Goden, et al. neither teaches nor suggests anything about selectively producing one of a subjective scene image and an objective scene image based on the detected display position and motion of a character as set forth in Applicant's claim 1. Accordingly, the Examiner's

rejection is considered traversed and should therefore be withdrawn.

As to Applicant's remaining independent claims 9, 21 and 32, these claims are similarly patentable over the Examiner's citation to Goden, et al. for those reasons advanced with respect to claim 1. Here again, Goden, et al. discloses a panning sequence and not individual scenes which are selectively produced based on the detected display position and motion of the character. Accordingly, the Examiner's rejection of claims 9, 21 and 32 is also considered traversed and should therefore be withdrawn.

Further with respect to independent claim 21, there is further included a sound effect producing section which produces a sound effect corresponding to the position and motion of the character. The Examiner acknowledges that Goden, et al. does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Also, Goden, et al. does not explicitly disclose that different sound effects are produced depending on the motion and position of the character, nor does Goden, et al. explicitly disclose that different sound effects are produced depending on the scene image displayed on the display unit. To this end, the Examiner refers to Mukojima, et al. for purportedly disclosing these features which are combinable with Goden, et al. to render Applicant's claimed invention obvious.

First, without more, claim 21 is patentable over the combination of Goden, et al. and Mukojima, et al. for those reasons noted hereinabove. However, the three dimensional sound system disclosed in Mukojima, et al. is arranged to control sound to be generated from a virtual sound source, i.e., each of polygons forming an object, according to a position and direction of the polygon when the object is viewed from a viewpoint. Accordingly, the suggested combination of Goden, et al. and Mukojima, et al. fails to disclose producing different sound effects depending on which of the subjective and objective scene images is displayed as set forth in claim 21. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As all issues raised by the Examiner have now been overcome, Notice of Allowance is respectfully requested. If, for any reason, the Examiner is of the opinion that such action cannot be taken at this time, he is invited to telephone the

undersigned at (908) 654-5000, so as to overcome any additional issues that may need resolution. If there are any fees to be incurred in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095.

Respectfully submitted,

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